

UNITED STATES COURT OF APPEALS

APR 20 2005

TENTH CIRCUIT

PATRICK FISHER
Clerk

CHARLES TIGER,

Petitioner - Appellant,

v.

JOHN WHETSEL,

Respondent - Appellee.

No. 04-6330

(D.C. No. 04-CV-631-F)

(W.D. Okla.)

ORDER
DENYING CERTIFICATE OF APPEALABILITY

Before **KELLY, O'BRIEN**, and **TYMKOVICH**, Circuit Judges.

Charles Tiger, a state defendant who was being held pending trial, seeks to appeal the district court's orders dismissing both his habeas petition, 28 U.S.C. § 2241, alleging violation of his Sixth Amendment right to a speedy trial, and his motions for reduction of state bond during the pendency of his habeas proceedings. Upon recommendation of the magistrate judge, the district court denied the petition because the remedy sought by Mr. Tiger in his petition, dismissal of state charges, was unavailable, and denied the motion for a reduction of bond because the federal court lacked the power to review the state court's bond determination. R. Docs. 15 & 19. Because we determine that Mr. Tiger has

not made a “substantial showing of the denial of a constitutional right,” 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 483-84 (2000), we deny a COA and dismiss the appeal.

After consideration of the materials submitted by Mr. Tiger, it is apparent that the conclusions of the district court, upon adoption of the reports and recommendations of the magistrate judge, are not reasonably debatable. See Miller-El v. Cockrell, 537 U.S. 322, 327 (2003). Mr. Tiger attempts to raise additional issues in his brief before this court, but such issues are deemed waived in that he did not raise them before the district court. See Singleton v. Wulff, 428 U.S. 106, 120 (1976).

We DENY Mr. Tiger’s application for a COA, his motion for IFP status, and DISMISS the appeal.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge